

PROGRAM INTEGRITY REQUEST FOR REGULATION INTERPRETATION

INSTRUCTIONS: Complete items 1 -10 of the form. Use a separate form for each policy interpretation request. Retain a copy of the Word Document for your records, and submit via email to: PIBPolicy@dss.ca.gov.

1. REQUESTOR NAME: Virginia Marquez	5. COUNTY: Santa Clara
2. PHONE NO: (408) 755-7285 EMAIL: Virginia.Marquez@ssa.sccgov.org	6. SUBJECT: Appeal of FTB Intercept
3. REGULATION CITE(S): MPP § 22-054.34, MPP § 20-403.23	7. REFERENCES: (ACLs/ACINs, COURT CASES Etc.)
4. DATE OF REQUEST:	8. DATE RESPONSE NEEDED:

9. QUESTION: (INCLUDE SCENARIO IF NEEDED FOR CLARITY):

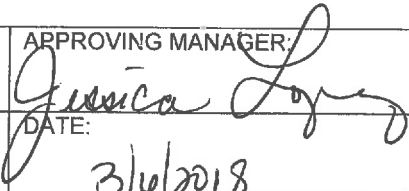
Is there anything the County can do to continue with an Franchise Tax Board (FTB) tax interception while a client's case is pending appeal with State Hearings Division (SHD)?

10. REQUESTOR'S PROPOSED ANSWER:

Client's debt has already been determined valid since the first hearing in 2014 and the intercept was deemed to be proper. Client is requesting hearings yearly and County is suspending the debt in the Welfare Intercept System (WIS) upon receiving request for hearing from SHD on client's behalf. Hearings are dismissed because issue has already been heard by SHD.

11. CDSS RESPONSE:

Since the client challenged the intercept in a state hearing in 2014 and the intercept was deemed proper, the county shall request a pre-hearing dismissal (per MPP 22-054.43) of any subsequent request by the client to hear his challenge again. The county shall not suspend the debt in WIS because none of the exceptions to intercept as listed in MPP 20-403 apply. In particular, the client's time to request a hearing to challenge the intercept expired in 2014 (rendering the exception at 20-403.23 inapplicable) and his subsequent requests to hear this challenge again are subject to immediate dismissal (rendering the exception at 20-403.24 inapplicable).

PROGRAM INTEGRITY ANALYST: Chris Daniels	APPROVING MANAGER: 
DATE: 03/02/2017	DATE: 3/6/2018

DATE RESPONSE RECEIVED/LOG # (CDSS Use Only):

3/2/17

PI 18-35

Please note: The policies expressed in this response are based on the unique set of facts presented and should not be presumed to apply in other situations.